

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOHN LERCH,

Plaintiff,

v.

Case No. 06-C-454

CITY OF GREEN BAY,

Defendant.

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**ORDER DENYING MOTION TO CHANGE JUDGE**

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Plaintiff John L. Lerch has filed a motion requesting a change of judge. Lerch states in an affidavit in support of his motion that I have a personal bias or prejudice against him that is reflected in comments made in a previous case he filed, case number 05-C-484, in which I asked why summary judgment had not yet been filed and stated that the case had been taking too long. Summary Judgment was ultimately granted in that case and an appeal is presently pending.

Lerch's motion will be denied. My statements concerning why summary judgment had not been filed and also concerning the length of time the case was taking do not reflect nor were they intended to reflect any bias or prejudice against the plaintiff. Instead, they reflect the recognition that a legal issue was presented by the plaintiff's case which became apparent in one of the earlier hearings. Defendants indicated an intent to seek summary judgment and the court's comments reflect its concern as to why the motion was not forthcoming. This court has had no previous contact with Mr. Lerch. I have no personal, professional or financial interest in the case and I am

satisfied that I can render a fair and impartial judgment. Accordingly, the motion for recusal is denied.

SO ORDERED this 28th day of July, 2006.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge